

**MARCI A HURD
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 1478
Billings, MT 59103
2929 Third Ave. North, Suite 400
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6989**

**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

**UNITED STATES OF AMERICA,
Plaintiff,
vs.
STEVEN QUINN,
Defendant.**

**CR 06-01-BU-DWM
RESPONSE TO DEFENDANT'S
MOTIONS**

COMES NOW, Marcia Hurd, Assistant United States Attorney for the District of Montana, and hereby files the government's Response to Defendant's Motions.

I. MOTION TO SUPPRESS INTERROGATION OF STEVEN QUINN

Defendant Quinn first moves to "exclude testimony" resulting from the statement Quinn gave to the FBI during the investigation of this case. Failing that, Quinn

requests the Court to instruct at trial that any testimony about that statement be considered with distrust. As Quinn himself notes, the Ninth Circuit does not require that interrogations be recorded for the law enforcement officer to testify to the statements made by the defendant. *United States v. Coades*, 549 F.2d 1303, 1305 (9th Cir. 1977). Additionally, Model Jury Instruction 4.1 sets forth the proper standard for instructing the jury on consideration of a defendant's statement, which does not comport with the language suggested by Quinn.

Quinn's motion to suppress his statement must be denied.

II. MOTION FOR BILL OF PARTICULARS

The discovery provided to Quinn in this case clearly shows that Quinn is alleged to have made a telephone call to the alleged victim's mother on May 6, 2005, which is the basis of Count IV. The discovery provided to Quinn in this case also clearly shows that Quinn is alleged to have repeatedly made telephone calls, left voice mail messages via telephone and left text messages via telephone to the alleged victim via the Internet from May 2005 through July 2005.

III. MOTION FOR BENCH TRIAL

The United States consents to Quinn's request for a bench trial, should the court so approve.

DATED this 18th day of May, 2006.

**WILLIAM W. MERCER
United States Attorney**

/s/ Marcia Hurd _____
MARCIA HURD
Assistant U. S. Attorney